

**BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON**

RICHARD CARANDANG,

Appellant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

CASE NO. R-ALLO-09-029

ORDER OF THE BOARD
FOLLOWING HEARING ON
EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came before the Personnel Resources Board, LAURA ANDERSON, Vice Chair, and DJ MARK, Member, for a hearing on Appellant's exceptions to the director's determination dated July 8, 2009. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on November 12, 2009.

Appearances. Appellant was present and was represented by Vincent Oliveri, union representative with IFPTE, Local 17. Respondent Department of Transportation (DOT) was represented by Niki Pavlicek, Manager of Classification, Compensation and Operations.

Background. Appellant's position was allocated to the Transportation Engineer 3 (TE3) classification. On April 30, 2008, he submitted a Classification Questionnaire (CQ) asking DOT to reallocate his position to the Transportation Engineer 4 (TE4) classification. By letter dated October 16, 2008, DOT denied Appellant's reallocation request.

On October 23, 2008, Appellant filed a request for a director's review of DOT's allocation determination. By letter dated July 8, 2009, the director's designee determined that Appellant's position was properly allocated to the TE3 classification. On July 24, 2009, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in DOT Headquarters in the Project Development Unit of the Foundation Engineering Section within the Environmental and Engineering Program Division/Materials Laboratory. Geotechnical project managers and engineers collect information about ground stability and movement. The project managers and engineers provide information to Appellant and he inputs the information into the statewide Geotechnical Design Schedule. Appellant uses the Geotechnical Design Schedule to track and store data and to create various reports for supervisors and the management team. Appellant does not use the information to create or modify the durations of the schedules developed by others. Appellant's duties are a component of the overall state-wide geotechnical program.

Summary of Appellant's Arguments. Appellant argues that he is responsible for a highly specialized technical program that requires thorough knowledge of technical engineering practices. He takes exception to the director's designee's decision comparing his duties and responsibilities to the registered professional engineer standards in the TE4 classification rather than to the technical program specialist standards. Appellant also argues that the designee failed to recognize that he performs the work of a technical specialist. Appellant argues that in Headquarters:

- he is the only person responsible for the statewide geotechnical scheduling program
- his work requires him to utilize his knowledge and experience of the geotechnical design process and procedures to create project schedules, estimate durations and man-hours needed for projects, and modify project schedules
- he reports directly to a Transportation Technical Engineer 5, and
- he reviews his own work and interacts with customers to negotiate geotechnical schedules.

Appellant contends that his duties and level of responsibility are encompassed by the TE4 classification and his position should be reallocated.

Summary of Respondent's Arguments. Respondent agrees that the TE4 has two avenues for allocation to that level and that the technical program specialist should be the avenue considered in regard to Appellant's reallocation request. However, Respondent contends that his position does not

1 meet this level because his position does not exercise considerable decision making responsibility
2 and does not exercise the independent action and problem solving found at the TE4 level.
3 Respondent argues that Appellant is responsible for tracking projects schedules using information
4 provided by various project engineers. Respondent believes that Appellant's position is best
5 described as a staff specialist in a complex area of limited scope. Respondent contends that
6 Appellant's area of scope is limited to scheduling the geotechnical aspects of projects and that he is
7 not the final reviewer for project schedules. Respondent asserts that Appellant:

- 8 • is responsible for inputting and tracking data generated others
- 9 • does not create or modify the durations of schedules developed by other
- 10 • does not perform duties that affect or modify the statewide geotechnical program, and
- 11 • exercises limited decision making responsibility for how data is gathered, presented, input,
12 and stored for schedule development and tracking.

13 Respondent argues that Appellant serves as a staff specialist in the area of scheduling and that his
14 position is properly allocated to the TE3 classification.

15
16 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
17 to the Transportation Engineer 3 classification should be affirmed.

18
19 **Relevant Classifications.** Transportation Engineer 3, class code 530M; Transportation Engineer 4,
20 class code 530N.

21
22 **Decision of the Board.** The purpose of a position review is to determine which classification best
23 describes the overall duties and responsibilities of a position. A position review is neither a
24 measurement of the volume of work performed, nor an evaluation of the expertise with which that
25 work is performed. A position review is a comparison of the duties and responsibilities of a
26 particular position to the available classification specifications. This review results in a
27 determination of the class that best describes the overall duties and responsibilities of the position.
28 See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

1
2 The definition for the TE4 classification states, in relevant part, “. . . serves as a Technical Program
3 Specialist.”

4
5 We agree with Appellant that the director’s designee erred in her reliance on the distinguishing
6 characteristics found in the first option of the TE4. The designee should have relied, as the agency
7 did, on the second option. In relevant part, the distinguishing characteristics for the TE4 state:

8 . . . As a Technical Program Specialist, assignments entail responsibility for . . .
9 serving as a Headquarters statewide specialist in an area of medium
10 size/scope/impact. This work requires a thorough knowledge of technical engineering
11 practices and Departmental policies, procedures, and standards. Incumbents report to
12 a Transportation Engineer 5, Transportation Technical Engineer 5, Transportation
Planning Specialist 5, or above and exercise considerable independence of action in
decision making and problem solving.

13
14 First, Appellant is a specialist for the software program used to track data and produce project
15 schedules for statewide projects. This does not rise to the level of being a statewide specialist for
16 an area of medium size, scope or impact. The software program and information Appellant
17 provides is one tool used in support of the overall statewide geotechnical program. Appellant’s
18 position does not have the scope of impact or breadth of responsibility anticipated for allocation to
19 the TE4 level.

20
21 Second, Appellant’s work requires him to have knowledge of engineering practices and DOT
22 procedures and standards. A thorough working knowledge of engineering principles and practices
23 and DOT procedures and standards is required for allocation to the TE3 level.

24
25 Third, Appellant reports to a Transportation Technical Engineer 5 as required for allocation to the
26 TE4 level.

1 Finally, Appellant does not exercise the level of considerable independence of action in decision
2 making and problem solving encompassed at the TE 4 level. Appellant makes decisions on
3 inputting data, including estimating data for review by others, and on how that data is reported.
4 The level of independent decisions that must be made in order to establish final project schedules
5 and the level of independent problem solving that must be conducted to determining the duration
6 of projects is not within Appellant's scope of responsibility. Rather, Appellant makes estimates
7 that are reviewed by project engineers. The project engineers are responsible to make the
8 decisions and resolve problems that impact the geotechnical program.

9
10 The definition of the TE3 classification states, "[p]erforms advance transportation engineering
11 work under limited supervision."

12
13 The distinguishing characteristics for the TE3 classification state:

14 At this level, incumbents . . . serve as a staff specialist in a complex area of limited
15 scope (this may include serving as a staff specialist consultant to Local Agencies).
16 Incumbents are expected to possess a thorough working knowledge of agency
17 policies, standards and procedures as well as engineering principles, methods and
18 practices. Assignments require judgments in selecting and adapting techniques to
19 solve transportation problems. Incumbents may represent the Department at public
20 meetings, open houses, to local agencies, contractors, consultants, etc., for specific
21 projects. While work is occasionally spot-checked and reviewed upon completion,
22 incumbents are responsible for planning and carrying out projects with only
23 minimal supervision. Staff at this level are often called on to assign, train and
24 evaluate engineers and technicians.

25 Appellant performs duties and responsibilities consistent with those described for a staff specialist.
26 He works in the geotechnical engineering division which is a complex area. Within this area, he is
27 responsible for a one aspect of the geotechnical program. Appellant's scope of work is limited to
28 project scheduling aspect of the program. Appellant possesses a thorough working knowledge of
29 DOT policies, standards, and procedures, and engineering principles, methods and practices. He
exercises judgment consistent with the TE3 level. In addition, he interacts with staff, is responsible

1 for his own work, and works under little supervision. Appellant's duties and level of responsibilities
2 fit within the TE3 classification.

3
4 In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has
5 failed to meet his burden of proof.

6 **ORDER**

7 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Richard
8 Carandang is denied and the director's determination dated July 8, 2009, is affirmed.

9 DATED this ____ day of _____, 2009.

10 WASHINGTON PERSONNEL RESOURCES BOARD

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13 _____
LAURA ANDERSON, Vice Chair

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15 _____
DJ MARK, Member